Docket No. 05-015-1
Regulatory Analysis and Development
PPD, APHIS, Station 3C71
4700 River Road Unit 118
Riverdale, MD 20737-1238

> Re: Docket No. 05-015-1, *National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards, Federal Register,* May 6, 2005, p.23962.

Dear Sir or Madam:

The following comments are submitted by the Minnesota Dairy Herd Improvement Association (DHIA), to the Animal and Plant Health Inspection Service (APHIS) in response to the *National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards* [Docket No, 05-015-1]. Minnesota DHIA which represents over 2,700 dairy producers, with 500,000 dairy cows and youngstock enrolled in Minnesota and neighboring areas. We strongly support the rapid implementation of the National Animal Identification System (NAIS). We believe that it will be a vital tool for protecting the health of our livestock and the economic well-being of producers.

Our organization was active in the development of the U.S. Animal Identification Plan (USAIP). We are currently working with other partners through the Bovine Work Group, the Dairy Subcommittee, Wisconsin Livestock ID Consortium projects, and the Minnesota Department of Ag Advisory Committee for NAIS, to implement NAIS.

Please note our comments in response to questions posted by APHIS in the Notice of Availability:

- The Draft Strategic Plan calls for making the entire system mandatory by January 2009. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs? Please explain why or why not.

    We don't see a voluntary system (which we already have) safeguarding the national herd. Minnesota DHIA believes that a mandatory system is essential to a system that enables traceback within 48 hours of discovery of a disease. Unidentified animals are at equal risk of becoming infected during a disease outbreak, but the presence of unidentified animals or premises would make it much more difficult to complete the needed traces. This would negate much of the value of the investment that all owners of identified animals, as well as state and federal governments, have made in the system. All animals would remain at potential risk, and a loophole would exist for unscrupulous persons to continue to move diseased or exposed animals for their own economic gain, at the expense of the industry and the country.

- In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premises where they are to be commingled with other animals, such as a sale barn. At what point and how should compliance be ensured? For example, should market managers, fair managers, etc., be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event? Please give the reasons for your response.

   NAIS needs to make use of the existing infra-structure to insure compliance and create as streamlined and effective a system as is viable. It behooves anyone receiving animals to check for and demand ID. Markets, fairs, etc. need to verify the identification of animals arriving at their facility as a normal function of their operation. This is already being done in Michigan, in the TB area, and seems to work just fine.

- In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus, the Draft Program Standards document contains an option for tagging sites, which are authorized premises where owners or persons responsible for cattle could have the cattle sent to have AIN tags applied. Do you think this is a viable option, i.e., can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms? Please give the reasons for your response.

   There will be a need for such stations at the startup of NAIS. This system needs to be carefully designed so that we aren't just tagging to make the animal saleable, and so the basic tenets of NAIS are not compromised. Education and the threat of problems and repercussions at an inevitable traceback should help insure proper procedures are followed.

- The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?

   In NAIS the buyer has the basic responsibility for reporting these transactions. This is appropriate; however, sellers are interested in reporting when animals have been removed from their premise. The draft Program Standards includes an "Animal Event Code" for "Moved out – Animal is moved out of a premises" and a field for reporting the "Destination Premises" in the Individual Animal Data Elements format for the National Animal Records Repository that provide a means for the seller to also report the movement. Encouraging event reporting by both parties in the transaction will enhance the probability of having needed data reported and provide a secondary verification of animal movement. Providing multiple ways in which the information may be reported should allow producers to find the most cost effective

way to report the information. Service providers such as the DHIA and other value added data handlers will be well positioned to submit these transaction records for members/clients since they would be doing it as a routine part of their business. Licensed dealers or agents should also be positioned to do this. Providing web based or telephone reporting options for producers may also be useful options. Gathering information on reporting options is another area that should be explored through pilot projects.

- USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered? Please give the reasons for your response.

   Dairy animals are identified at birth as a routine management practice on most operations. ID is an important management practice and the time shortly after birth is the easiest time to work with the animal to apply the ID device. Thus, we anticipate that RFID tags will be viewed as important management tools for producers and most dairy animals will be identified shortly after birth. This would appear to be the ideal time for all animals to be identified; however, as long as there is strong oversight to assure that animals are identified before leaving their birth premise, the traceback ability of the system should be adequate for animal health programs and for meeting the objectives of NAIS. Establishing an age limit would imply some sort of enforcement mechanism on farm. It also seems that commercial enticements might make it economically advantageous to tag early and record birth dates.

- Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)? Please give the reasons for your response.

   We encourage producers to report information to the system as soon as possible so that needed databases and data reporting systems can begin to function and be well tested prior to the system becoming mandatory. We suggest that all Premises need to be identified by July 1, 2007 (6 months earlier than current proposal) as this is the easiest part of the system for a producer to comply with, and the easiest part of the infra-structure to build (in fact, Premise ID assignment already exists in nearly all, or all states). Let's get that part of the system done earlier so we can concentrate resources and attention on one thing at a time. Much as we would like to see the timelines accelerated, the timelines appear realistic. We support strict adherence to the January 2008 timeline for animal identification, and the final timeline of January 2009 for mandatory implementation of all aspects of the program.

- Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed? Please give the reasons for your response.

  Many diseases of concern and the vectors that harbor or spread those diseases are multi-species in nature, thus the NAIS will not be fully functional until all species are included. For this reason, we believe that the timeline for implementation for all species should be consistent.

- What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd-management computer system, mail, phone, third party submission of data)? Does the type of entity (e.g., producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient? Please provide supporting information if possible.

  Multiple platforms must be available for data entry. Any of the above mentioned systems could work. The DHIA system (a third party, herd-management computer system) provides a familiar, easy to use system for the majority of dairy producers and the reporting functions could easily be made available to other species as well. However, even within the DHIA system different options are desirable. In some cases it will be most effective and efficient to transfer information directly from an on-farm system to the NAIS. In other cases in may be transferred from an intermediate platform between the farm and the Dairy Records Processing Center (DRPC) where large databases are maintained and in other cases delivery of data to the system by the DRPC will be the most effective method. If a variety of reasonable options are available producers and other participants will be able to find the method that works best for their operation. The electronic capture and transfer of data needed in the system should minimize reporting errors, but especially as the system begins, it will be important for reporting choices to be available. Once again, pilot project offer an excellent vehicle for assessing the efficiency, effectiveness and acceptability of the various potential options.

- We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

  We support protecting the confidentiality of all data to the extent possible. Information in the Premises Repository appears to be the most sensitive, since it provides specific location information for each premise where animals are kept or potentially commingled.

- The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both

the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?

The dairy industry has strongly advocated the use of existing systems to capture, store and report the needed information to the NAIS. Using existing systems, that have demonstrated that they are compatible with the NAIS will be most cost effective, should minimize reporting errors and should eliminate any need for duplicate record systems or reporting by producers. Producers will be much more receptive to the NAIS if it will work with their existing records systems. We mentioned earlier the desirability of movement reporting by both buyer and seller. We do not believe that reporting by both parties needs to be mandated, but rather should be encouraged. If existing systems are used to capture and report animal movements this level of dual reporting and validation of movement can be accomplished with very minimal additional cost or effort for any of the parties involved.

We question the mechanics of reporting – in other words, who is the movement reported to? We expect there will be state databases and the one federal database. Which will we report to, and what is the mechanism to update the other? If we report to both, how will discrepancies be handled? If we report to the state and it is funneled to the feds, will the state need to be updated when an event on that animal comes in from another state?

- How should a private database system be funded? Please give the reasons for your response.

  DHIA strongly supports the concept of a national database under the management of APHIS as defined in the draft Program Standards. We indicated previously the need for a mandatory system. A mandatory system does not appear consistent with the concept of with a private database. We also believe that a public database is the most effective way to assure 24/7 access to information needed by state and federal animal health officials to prepare for and address animal health emergencies. In addition this should be the most cost effective system for producers. The national repository serves a "common good" for the entire nation and as such should be publicly funded rather than privately funded as a private database would need to be. Private databases, that offer value added opportunities for producers and that are funded by their users, should be encouraged to be a part of the system, but not to function as the total system. They can be the most efficient, cost effective method to capture and input data required by the national repository, but they are not as well suited to function as the national repository. Differences within and between species would make it difficult, if not impossible for a private database to function in this role.

- Should the NAIS allow for multiple privately managed databases? Please explain why or why not.

  Multiple privately managed databases can be a valuable resource for the NAIS as a way to efficiently capture and report information to a national repository. They

allow producers and other participants to use the system that best fits their operational needs. However, as indicated previously they are not an adequate replacement for a single national repository under the management of APHIS.

- Should a public (government) system be made available as well as a privately managed system so that producers would have a choice? Please give the reasons for your response.

  We believe that the system will be most effective if privately managed systems supply the minimal information needed by the NAIS to a public system under the management of APHIS. This will maximize the use of existing resources and minimize reporting burdens for producers. However, the option of providing information directly to the public system will need to be available as not all producers are likely to work with a private service provider.

- Should a privately managed system include all species? Please give the reasons for your response.

  In order to meet the objective of the NAIS, of identifying all animals and premises that had direct contact with a foreign animal disease (FAD) or disease of concern within 48 hours of discovery of that disease, it is critical that information on all species be available. This concept is included in the APHIS managed public database described in the draft Program Standards. It would be much more difficult to achieve with a private system, thus a compelling reason to have the public national repository.

- Would either system work equally well at the State level? Please explain why or why not.

  A state database has the same basic needs and faces many of the same challenges as the federal system. State animal health officials have initial responsibility in most disease outbreaks, so it is critical that they have immediate access to all data in their state. It is also crucial that there be almost immediate data sharing across the state and federal systems to assure that each has the most current animal location/movement information. It appears that this can best be accomplished with state databases that are under the management of the state animal health officials. States may choose to contract with private vendors to operate their database, but they need to be under the immediate control of the state animal health official.

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Perhaps the most important aspect of NAIS is how it evolves. Certainly we need a starting point. The current proposal includes abundant input and should serve as that starting point. The question is how to we refine and amend, how does USDA decide where to go from here. I have great confidence that once implementation moves forward we will get invaluable input

from the field, including producers and industry. We need a viable mechanism to harvest those good ideas to make the system workable and make it succeed. Producer input is key, and since they will bear the cost of the devices on their farms and ranches, they must not be ignored.

We are pleased that the Draft Program Standards maintain the basic direction defined in the USAIP. While there are several additions and modifications, the basic direction developed by the broad cross section of the animal industry has been involved in the process for the start has been maintained. However, there are items that we do wish to comment on.

Page 2 indicates that there are four pieces of information that will be collected and maintained in the National Animal Records Repository (NARR) that will provide the information needed to achieve 48 hour traceback. Page 12 indicates that the 17 data fields identified in table 6 will be maintained in the NARR with no indication as to which if any may be optional. Four of these fields are related to Alternative Animal ID, but this still means that more information may be maintained in the NARR than was indicated on page 2 with no provisions as to how it will be collected. This apparent discrepancy should be addressed.

Page 6 discusses **Official Identification Devices and Methods**. To effectively capture animal movement data, we believe that a common technology is essential so that all cooperating parties can be equipped to capture the needed data. Markets and other collection points are not likely to be able to afford multiple technologies. DHIA fully supports the use of RFID tags with the "840" AIN's as the technology that should be implemented for cattle. As noted previously, markets are likely to only have one data collection system in place, but many markets handle multiple species. If other species that are likely to share markets with cattle choose other technology, pilot projects need to be initiated to determine way to most effectively handle this situation.

Market Operators and **Abattoirs** will be critical for the collection of movement information. We believe that it will work most efficiently if they only need to deal with one system and that system will need to be capable of moving at their "speed of commerce."

Later on that page **AIN Tag Manufacturers** and **AIN Tag Managers** are discussed. Basic responsibilities are outlined, but clarification is still needed on the process to identify who will be certified to fill these roles by APHIS.

Pages 24 and 25 both refer to data being reported to either the NARR or the State/Tribe Animal Identification and tracking system and subsequently shared with the other database. It is important that the data be shared, so that both the state/tribe and National systems have complete data sets; however, it would seem appropriate to define steps to minimize the likelihood of duplicate reporting of the information.

Performance Standards for RFID tags are identified in Table 35. While the standards appear appropriate, it is unclear if APHIS will be the reviewer of tags, or what entities might fill this role.

The State Status Designation on pages 29 to 31 can be a useful way to measure progress. As indicated in the text, the concept has been used numerous times in the past. As noted in our comments on the Strategic Plan, the challenge with this appears to be that the denominator for several of the measures in stages II through V are largely unknown at the present time. How do you assure that states are in fact meeting the required percentages if these values are unknown? We again question point two for Stage III that indicates that states will begin to identify Non-producer participants in their state who may qualify as AIN managers. Is this a defined role in the process that states should perform and be judged upon?

We appreciate the opportunity to review these documents that represent current USDA thinking relative to the implementation of the NAIS and to share our comments on them. We believe that both drafts reflect positive movement by USDA. DHIA supports rapid, full implementation of the system for all species. It is important for the protection of our national herd and the economic well-being of producers.

Sincerely,

Bruce Dokkebakken
General Manager
Minnesota Dairy Herd Improvement Association